

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

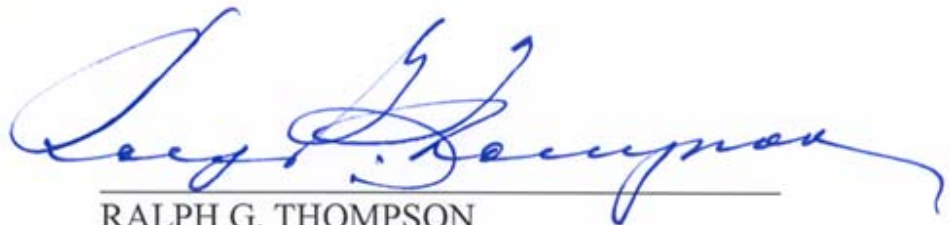
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CR-99-61-T
	)	
THOMAS WILLIAM SIMON,	)	
	)	
Defendant.	)	

**ORDER**

Before the Court is Thomas William Simon's *pro se* Motion for Reconsideration, filed December 30, 2005. He asks the Court to reconsider its previous denial of his "Motion to Eliminate Enhancements and Reduce Sentence," in which he requested relief under *United States v. Booker*, 543 U.S. 220 (2005). Defendant clarifies he is not seeking relief under 28 U.S.C. § 2255, but he wishes somehow to assert a *Booker* claim now because the one year limitations period of § 2255 will expire January 12, 2006, under *Dodd v. United States*, 125 S. Ct. 2478 (2005).

The Supreme Court expressly recognized in *Dodd* "the potential for harsh results in some cases" but held the statute as enacted compels this result. *Id.* at 2483. Absent statutory authority, however, this Court lacks jurisdiction to modify a previously imposed sentence. *See United States v. Green*, 405 F.3d 1180, 1184 (10th Cir. 2005); *United States v. Mendoza*, 118 F.3d 707, 709 (10th Cir.1997). Therefore, Defendant's Motion for Reconsideration [Doc. 33] is DENIED.

IT IS SO ORDERED this 9<sup>th</sup> day of January, 2006.

  
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RALPH G. THOMPSON  
UNITED STATES DISTRICT JUDGE